

ORDINANCE NO. 07-309

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING SECTION 10.12.480 OF THE LOS ALTOS MUNICIPAL CODE TO REVISE SEWER SYSTEM RATE SCHEDULE

WHEREAS, the City Council finds that it is the intent of this ordinance to be interpreted in a manner compatible with the California Constitution, the laws of the State of California and the Los Altos Municipal Code; and

WHEREAS, the City complied with all local and state laws concerning the public notice of its intent to adopt this ordinance; and

WHEREAS, the ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10.12.480 of the Los Altos Municipal Code is hereby amended to read as follows:

"Sec. 10.12.480 Rate schedule.

Type of Connection	Schedule of Charges	
	Units of Service	Monthly Charges
Residence	1.00	\$23.75
Apartment house	1.00	23.75 for each apartment
Duplex	2.00	47.50
Barber shop	1.84	43.70
Beauty shop	1.84	43.70
Business office	1.84	\$43.70 plus \$21.85 for each toilet/urinal over one
Bakery	1.84	43.70
Church	1.00	23.75
Cocktail lounge/Bar	2.68	63.65
Day Care/Nursery School	1.00	23.75 for each 26 students in average daily attendance

Drugstore	2.68	63.65
Fire department	3.00	71.25
Garage, sales	1.84	43.70
Garage, service	3.00	71.25
Grocery	1.84	43.70 plus 21.85 for each five employees after the first five
Hospital, animal	2.68	63.65
Laundry/Laundromat/Dry Cleaner	4.00	95.00
Library	1.00	23.75
Lodge	1.84	43.70
Lumber	1.84	43.70
Mortuary	3.60	85.50
Motel/Hotel	1.00	23.75 plus 23.75 for each unit up to 80% of the total number of units, plus restaurant or cocktail lounge/bar charge, if applicable
Nursery	1.84	43.70
Post office	2.68	63.65
Poultry, meat sales	1.84	43.70
Poultry meat processing	2.68	63.65
Retreat House	1.00	23.75 for each three and one half resident occupants plus 23.75 for each unit times average daily retreatant occupancy rate plus restaurant charge based on average daily retreatant occupancy
Recreation facility within condominium or apartment complex	2.00	47.50

Rest home	2.68	63.65 plus 23.75 for each three and one-half residential occupants over seven, and 23.75 for each 10 employees over 10
Restaurant	2.16	51.30 plus 12.85 for each twenty seats after the first twenty
Retail store	1.84	43.70 plus 21.85 for each five employees after the first five
School: Elementary and junior high without gym and/or cafeteria	1.00	23.75 for each 26 students in average daily attendance
Junior high with gym and/or Cafeteria	1.00	23.75 for each 20 students in average daily attendance
High school	1.00	23.75 for each 15 students in average daily attendance
Junior college	1.00	23.75 for each 10 students in average daily attendance
Boarding schools	1.00	23.75 for each three and one-half resident students in average daily attendance, plus 23.75 for each 10 nonresident students in average daily attendance
Service station/Gas Station	4.00	95.00
Theater	3.60	85.50

The rate schedule for connections not within city limits is prescribed as follows:

Sewer service charges for connections to property located outside the city limits, except those located within the Town of Los Altos Hills, shall be at a monthly rate of twenty three dollars and seventy-five cents (\$23.75) per unit of service as specified under the schedule of charges set forth in this section.

Sewer service charges for the Town of Los Altos Hills shall be set by resolution of the City Council of the Town of Los Altos Hills.

A current copy of this schedule of charges shall be kept on file in the office of the city clerk and shall be open to inspection by the public."

SECTION 2. CONTINUING EFFECT OF CHAPTER 10.12. Except as amended by this ordinance revising the rate schedule as set out in Section 10.12.480, all other provisions of Chapter 10.12 of the Los Altos Municipal Code continue to remain in full force and effect.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise void or invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE: This Ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an urgency measure for the preservation of the public peace, health, safety and welfare of the City, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City for the following reasons:

The City Council finds that this ordinance must be adopted as an urgency ordinance to correct a conflict between any existing City policies, rules and ordinances concerning sewer rates and charges, and this ordinance is necessary to avoid confusion and to assure the public what sewer rates and charges will apply.

The City Council further finds that it is necessary that this ordinance be adopted as an urgency ordinance to enable staff sufficient time to modify the existing tax rolls to reflect the resident rates for the 2007-2008 year.

In order to accomplish these goals, Los Altos Municipal Code Chapter 10.12, as amended, must adopted by means of this urgency ordinance.

PASSED FOR THE PURPOSE OF PUBLICATION this 8th day of May 2007, by the following roll call vote:

Ayes: PACKARD, CARPENTER, CASAS, BECKER
Noes: COLE
Absent: NONE



Robert C. Cole, Mayor

Attest:



Susan Kitchens, City Clerk